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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Guam

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government. Further details are contained in previous working papers posted on the United Nations website (www.un.org/en/decolonization/workingpapers.shtml).

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The Territory at a glance

Territory: Guam is a Non-Self-Governing Territory administered by the United States of America. As an unincorporated organized territory of the United States, it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: Guam is the southernmost and largest of the Mariana Islands in the Pacific Ocean, situated about 2,200 km south of Tokyo and 6,000 km west-south-west of Hawaii. It consists of a single island comprising two distinct geologic areas of about equal size. The northern part of the island is a high coralline limestone plateau and the southern region is mountainous. Apra Harbor is one of the largest deep-water ports in the Pacific.

Land area: 540 km².

Exclusive economic zone: 214,059 km².[a]

Population: 159,358 (2010 census).

Languages: English and Chamorro.

Ethnic composition (2000 census): 37.1 per cent Chamorro; 26.3 per cent Filipino; 11.3 per cent other Pacific islanders; 6.9 per cent white; 6.3 per cent Asian; 2.3 per cent other ethnic origin; and 9.8 per cent mixed.

Capital: Hagåtña.

Head of the territorial Government: Eddie Baza Calvo (elected Governor in November 2010).

Territory's delegate to the United States Congress: Madeleine Z. Bordallo (re-elected in 2012).

Main political parties: Democratic and Republican Parties.

Elections: Most recent: 2012; next: September 2014.

Legislature: Unicameral 15-member legislature. Guam has a locally elected Government, which comprises separate executive, legislative and judicial branches.

Gross domestic product (GDP) per capita: $25,420 (2005 chained dollars, 2010 estimate).

Economy: Principal sources of revenue: tourism and the United States military presence.

Unemployment: 10.9 per cent (September 2012).

Monetary unit: United States dollar.

Brief history: Missionaries from Spain arrived in Guam in the late seventeenth century when the island was inhabited by the indigenous Chamorro people, of Malayo-Polynesian descent. The Chamorro now constitute just over one third of the population and play an active role in the political and social life of the island, which has evolved into a multi-ethnic society.

[a] Exclusive economic zone data derived from Johann D. Bell, Johanna E. Johnson and Alistair J. Hobday, eds., Vulnerability of Tropical Pacific Fisheries and Aquaculture to Climate Change (Nouméa, New Caledonia, Secretariat of the Pacific Community, 2011), e-book. Available from www.spc.int/climate-change/fisheries/assessment/e-book.

I. Constitutional, legal and political issues

1. Guam was administered by the Department of the Navy of the United States of America until 1950, when the United States Congress enacted the Organic Act of Guam, which established institutions of local Government and made Guam an unincorporated territory of the United States with limited self-governing authority. Since then, the Territory has been administered by the Department of the Interior. Guam is an unincorporated territory, since not all provisions of the United States Constitution apply to the island. As such, Guam is a possession but not part of the United States.

2. The United States Constitution does not permit Guam to appoint electors of the President and Vice-President of the United States. The people of Guam elect a Governor, who serves for a four-year term. No person who has been elected Governor for two full successive terms shall again be eligible to hold that office until one full term has elapsed. The Governor is responsible for the general supervision and control of the executive branch and submits an annual report to the United States Secretary of the Interior for transmission to Congress. The Governor may issue executive orders and regulations, recommend bills to the legislature, make his or her views known to that body and veto legislation. Following the November 2010 elections, Eddie Baza Calvo (Republican) was declared the new Governor of Guam.

3. Fifteen senators who serve two-year terms in the unicameral legislature are also elected. The legislature may override the Governor's veto. Under the 1950 Organic Act of Guam, the United States Congress reserves the authority to annul any law enacted by the Guam legislature. Guam has two main political parties, the Republican Party and the Democratic Party, which are local chapters of the two main United States political parties. In the November 2012 legislative elections, the Democrats won nine seats, and the Republicans six seats.

4. Since 1972, Guam has had one delegate to the United States House of Representatives. As previously reported, the delegate, who serves a two-year term, may vote in committee and, since January 2007, on floor amendments, but not on the final approval of bills. In the November 2012 elections, Madeleine Z. Bordallo, a Democrat, was re-elected for her sixth term as delegate to the United States Congress with 58 per cent of the votes.

5. The judicial system in Guam comprises local and federal components. The local judicial system consists of a Superior Court and a Supreme Court, which are led by judges appointed by the Governor and confirmed by the legislature. Local judges are subject to confirmation by voters every six years. In 2004, the judiciary of Guam was established as an independent branch of Government. The law confirmed the appellate jurisdiction and administrative authority of the Supreme Court of Guam over all inferior courts in the Territory, thereby effectively establishing a unified local judiciary.

6. At the federal level, a District Court judge, appointed by the President of the United States, is the head of the United States District Court of Guam. In 1998, Congress adopted an amendment to the Organic Act of Guam, allowing the Guam legislature to elect its own Attorney General for a four-year term. The Attorney General is the chief legal officer of the Government of Guam and is empowered with prosecutorial authority.

7. Periodically, there have been moves to change the island's political status. The Guam legislature established the first Political Status Commission in April 1973. In a 1976 referendum, Guamanians decided to maintain close ties with the United States, but also to begin negotiations to improve the Territory's status. In 1979, the people of Guam rejected a draft constitution by a margin of 5 to 1, mainly on the grounds that the question of political status had to be resolved before a meaningful constitution could be drafted. Another referendum was held in 1982, with 73 per cent of voters opting to pursue commonwealth status with the United States.

8. The Commission on Self-Determination, established in 1980, completed a draft commonwealth act in 1986, which, after a public education campaign, was submitted for an article-by-article vote on 8 August 1987 (see A/AC.109/1192, paras. 19-37). Voters approved the core proposals but rejected articles empowering the Government of Guam to restrict immigration and granting the indigenous Chamorro people the right to determine the future political status of the Territory. In a further referendum in November 1987, both of those outstanding provisions were approved after having been amended and rewritten. A summary of the main points in the draft commonwealth act is contained in a 2001 working paper (A/AC.109/2001/4).

9. Subsequent discussions, held from 1989 to 1997, between the Commission and the Government of the United States on a commonwealth agreement did not reach a resolution. In 1997, Guam Public Law 23-147 established the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in order to address an important but controversial issue involving the Chamorro population. The Commission, in concert with a process of registration of eligible voters organized by the Guam Election Commission, was to oversee the conduct of a vote with regard to the status preferences of the Chamorro people (independence, integration or free association), in accordance with international standards

10. In 2000, the Guam legislature provided the Guam Election Commission with the power to set the date of the decolonization plebiscite, in which it was expected that the Territory's indigenous people would be asked to choose between statehood, independence and free association with the United States. The plebiscite would have been non-binding but would at the same time have set the course for any future discussions of political status with the administering Power. The vote, scheduled to take place on 2 November 2004, was postponed because eligible voters had not been identified and registered. In October 2010, the President of the United States, Barack Obama, signed bill H.R. 3940 into law. The Law clarifies the Secretary of the Interior's authority and obligation to provide federal funding for political status education on Guam. It should help the people of Guam become aware of their constitutionally viable political options. Eligible voters are those who can trace their roots back to those residents living on the island at the time of the passage of the Organic Act in 1950 who were made citizens by federal law. Universal suffrage with respect to elections applies to United States citizens who are 18 years of age or over and legally resident in Guam. All persons born in Guam and subject to the jurisdiction of the United States are citizens of the United States. The Guam Election Commission announced that as at November 2012 there were 50,701 registered voters, an 8 per cent increase since February 2012, and 6,340 registered native inhabitants, a 21 per cent increase over the same period.

11. In 2011, Mr. Calvo convened the Commission on Decolonization for the first time in about a decade. The Commission is preparing a preliminary report on an education programme designed to keep residents informed regarding the future plebiscite vote for self-determination. The report will detail timelines and procedures and must be submitted to the Guam legislature for review.

12. During the Pacific regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Quito from 30 May to 1 June 2012, the representative of the Government of Guam stated that the Territory's colonial status had resulted in a situation in which the Chamorro people's survival as a people in its native land was threatened and that the work of the Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in 2011 was centred on setting a date for the plebiscite on Chamorro self-determination and on identifying the resources to fund an education campaign to inform the community of the political status issue. The Director General of the Commission on Decolonization stated that the level of awareness of decolonization had been increased as a result of outreach programmes. In this regard, he stated that funding for an educational programme was the top priority for the Commission, as it hinged directly on the Commission's ability to set the plebiscite date. He requested the assistance of the Special Committee in attaining the funds or technical assistance necessary to educate the people of Guam about the three political status options. Much progress had been made to populate the decolonization registry, both in terms of the number of Chamorro registered and the capacity to register the remaining ones.

II. Military and related issues

13. As previously reported, in 2009 the United States decided that United States Marine Corps capabilities in the Pacific region would be realigned by 2014, through the transfer of United States military personnel from Okinawa, Japan, to Guam. At that time, according to the administering Power, the relocation, costing over $10 billion, would bring 8,600 marines, 630 army personnel and about 10,000 dependants to Guam. More than 33,000 foreign workers would also be needed to build wharves, aircraft carrier berths, roads, military barracks and homes.

14. A study carried out in 2010 pointed out that the military expansion would strain the island's limited infrastructure, health care and ecology. In February 2010, the Territory's Environmental Protection Agency stated that a military build-up could trigger island-wide water shortages, which would fall disproportionately on a low-income, medically underserved population. It also indicated that it would overload sewage-treatment systems in such a way as to possibly cause significant adverse public-health impacts.

15. Opposition to the military expansion stemmed from concerns about its economic, sociocultural and environmental impact on the Territory. It was feared that anticipated economic benefits associated with the build-up would be offset by higher inflation, increased congestion and greater pressure on outdated infrastructure.

16. According to the administering Power, in June 2011 the United States Secretaries of State and Defense met with the Minister for Foreign Affairs and the Minister of Defence of Japan in two-by-two talks which reaffirmed the realignment

goals of the agreement between the United States and Japan but extended the date of completion of Guam build-up facilities from 2014 to an indefinite date in the future. Moreover, the United States Congress, by the National Defense Authorization Act of 2012, delayed, pending new studies, the fulfilment of the obligation to fund civilian projects related to the Guam military build-up. A Civilian-Military Coordination Council was established to assist the Department of Defense in implementing an Adaptive Program Management, whereby the Department of Defense would monitor the build-up and adjust the construction pace should it have an undue impact on the environment and/or the infrastructure.

17. On 5 January 2012, the United States President released a new strategic guidance document that directed rebalancing towards a strengthened presence in the Asia-Pacific region. In March, the United States Department of Defense tasked the Center for Strategic and International Studies with conducting an independent assessment of the United States posture in the Pacific. On 24 July 2012, the Secretary of Defense submitted to Congress the Center's assessment, together with his disagreement with the Center's suggestion that the Department could consider moving fewer than approximately 5,000 marines to Guam, as moving fewer than that number would undermine the United States plan to establish multiple, fully capable marine air-ground task forces across the Asia-Pacific region.

18. On 26 April 2012, a joint United States-Japan statement specified that, out of about 9,000 marines to be relocated from Okinawa, 5,000 of them would move to Guam when appropriate facilities were available to receive them. The move would cost a total of $8.6 billion, with Japan contributing $3.1 billion.

19. The National Defense Authorization Act for Fiscal Year 2013 (H.R. 4310; S.3254) was enacted after being signed by President Obama on 2 January 2013. The Territory's delegate to the United States Congress noted that the bill would loosen restrictions on obligating and spending United States military construction funds and contributions from the Government of Japan directly tied to the build-up.

20. On 1 February 2013, the Inspector General of the Department of Defense issued the annual report of the Inter-Agency Coordination Group of Inspectors General for Guam Realignment covering the period from 1 January to 31 December 2012. The report, which provided an update on the progress and efforts undertaken in the realignment of forces to Guam, identified the military construction programmes and operations on the Territory.

III. Land issues

21. The question of land use and land ownership encompasses two major issues: the return of unused or underutilized lands held by the United States Department of Defense and the return of those lands to the original Chamorro landowners. In view of the envisaged military build-up, the Department of Defense has been interested in acquiring at least an additional 2,200 acres of non-federal land. Of the 147,000 acres of land available on Guam, the Department of Defense currently possesses 40,000 acres, or 27.21 per cent of the island's land mass. Private landowners in the Territory have the right to refuse to sell any of their land for military purposes. With regard to public land, such requests would need the approval of the Guam legislature.

22. It has been reported that the Department of Defense and Guam are at an impasse over the question of the use of ancestral land for a Marine Corps firing range. The military has been unable to get the support needed from the Government of Guam to place Marine live-fire ranges on ancient Chamorro land at Pagat Village, a federally registered archaeological site that holds deep meaning for many inhabitants of the island. The Government of Guam signed the Programmatic Agreement in March 2011 to preserve cultural and historical properties on the island during the build-up in preparation for the transfer of marines, their dependants and support staff as early as 2016.

IV. Budget

23. The budget comprises revenues received by the Government of Guam and federal grants, with the latter generally allocated, on an ad hoc basis, to particular sectors through the Department of the Interior. The territorial Government's operating revenues fall under four classifications: General Fund, Special Funds, Federal Grant-in-Aid and Semi-Autonomous and Autonomous Agencies Operating Funds. According to federal law, all island residents, including military personnel, must pay income taxes to the Guam General Fund and not to the federal Government. The Governor has the power to veto a budget bill; however, the legislature can either override the Governor's veto by a special majority or reconsider the bill.

24. In September 2012, the Governor signed into law the budget for the fiscal year ending 30 September 2013, while stating that the budget was not balanced, with an overappropriation of about $1.4 million. On 31 January 2013, the Office of the Governor of Guam presented the executive budget for fiscal year 2014 to the Guam legislature, outlining the major budgetary goals and achievements of the previous fiscal year.

V. Economy

A. General

25. The economy of Guam continues to be based on two main pillars: tourism and the military. The Territory has been attempting to create an environment conducive to the development of other industries, such as financial services, telecommunications and transportation. Manufactured products include textiles and garments, cement and plastics. Re-exports constitute a high proportion of the Territory's exports, which include petroleum products, iron and steel scrap, automobiles, and tobacco and cigars. The main trading partners of the Territory include the United States, Japan, Germany and China.

26. According to the executive budget for fiscal year 2014 submitted to the thirty-second Guam legislature, the economic outlook for the Territory's short-term future throughout the remainder of fiscal year 2013 and continuing into fiscal year 2014 is likely to be one of economic stability on a plateau relatively comparable to current levels, while modest growth appears probable. However, a number of potential risks could lead to a less positive outlook. The economic recovery that Guam experienced in fiscal year 2012 was due in large part to the continuing revitalization of outbound

tourism from Japan. Other factors contributing to the rebound in the Territory's economy include an increase in construction and a significant infusion of bond-financed payments for outstanding income tax refunds. Furthermore, the commencing of Department of Defense construction projects, including those that already have funding appropriated from the Governments of the United States and Japan for the realignment of Marine Corps forces from Okinawa, is not expected in fiscal year 2014. A supplemental environmental impact study, additional plans and reports, as well as the procurement process, must be completed before such construction projects are implemented.

B. Tourism

27. According to the executive budget for fiscal year 2014 submitted to the thirty-second Guam legislature, the total number of visitor arrivals in Guam in 2012 was 1,307,796, a 12.8 per cent increase over the 2011 figure and the highest since 2000. The Guam Visitors Bureau projects a 3.8 per cent increase in fiscal year 2013 and another 2.6 per cent increase in fiscal year 2014. On the website of the Guam International Airport Authority, it is noted that Guam was ranked fifth overall among the top United States ports in terms of international arrivals in February 2012, ranking right below Honolulu, Hawaii, and above San Francisco, California, and Newark, New Jersey. Guam has been gaining in its reputation as a preferred destination, having moved up in rank from eighth in November 2011 to sixth in January 2012 and to fifth overall in February, according to statistics released by the United States Office of Travel and Tourism Industries.

28. Visitor arrivals in Guam will continue to be facilitated by visa waiver programmes implemented in previous years, as well as faster processing of visas for visitors from the mainland of China. Japan has the largest share of tourists in Guam, although the share has been declining somewhat, owing also to the successful expansion of and diversification to other markets. Between 2011 and 2012, arrivals to Guam from China increased by 26.5 per cent, from the Republic of Korea by 22.6 per cent and from Japan by 12.7 per cent. Visitors from Russia increased by 538.9 per cent, following the implementation of a visa waiver programme.

C. Transport and communications

29. The Territory's road network is just less than 1,000 miles long. Of this, 420 miles are classified as "non-public". Of the 550 miles of public roads, there are approximately 144 miles of primary and some secondary roads. To maintain the territorial highway system of Guam, its Government receives $18.4 million from the United States Department of Transportation and the Federal Highway Administration. From 2008 to 2011, the Government of Guam received $246 million from various federal allocations.

30. The Port Authority, which is a public corporation and an autonomous agency of the Government of Guam, administers the commercial port facilities at Apra Harbor, which is the entry point for 95 per cent of all goods entering Guam and serves as a trans-shipment centre for Micronesia. Three refurbished cranes from the Port of Los Angeles have been retrofitted and modified to enhance their productivity and handling capabilities. The Merchant Marine Act of 1920 (also known as the

Jones Act) requires that goods shipped between United States ports must be on ships built and registered in the United States, at least 75 per cent owned by United States companies and 75 per cent manned by United States citizens. The 2030 Guam Transportation Plan, approved by the Guam legislature, became an official component of the island's Comprehensive Development Plan. The Plan, which is a long-term strategy designed to improve the Territory's transportation system, incorporates improvements to roadways and mass transportation, while accommodating pedestrians and bicycles. It also addresses other issues, such as the proposed military build-up.

31. In 2012, the Department of Public Works of the Government of Guam developed the Guam Transportation Improvement Plan for fiscal years 2012 to 2015, in addition to the 2030 Guam Transportation Plan. The Transportation Improvement Plan for 2012-2015 provides a list of near-term projects addressing safety, pavement, bridge conditions and traffic operations in consultation with the Federal Highway Administration and inputs from the public.

D. Water system, sanitation and utilities

32. About three quarters of the Territory's water supply is provided by the Guam Waterworks Authority. The Government's water sources consist of groundwater and surface water (from the Ugum River). The remainder is located at air force and naval installations in Guam. The naval water source is a surface reservoir (Fena Lake) in the southern part of the island. The Guam Waterworks Authority is currently facing acute problems, including increasing energy prices, the reliance on water purchases from the United States Navy, limited funding for infrastructure improvements, and operations conducted with limited financial and manpower resources. In addition, the accelerated growth to be achieved through the military build-up continues to be a point of concern. The Authority's Capital Improvement Plan 2011-2015 is the first detailed plan for ensuring that the Authority continues to provide quality services. Examples of capital improvements include water production facilities, water distribution systems, wastewater collection systems, wastewater treatment plants and major one-time equipment acquisitions.

E. Agriculture and fisheries

33. The farming and fishing sectors are relatively well developed. The main types of produce are vegetables, citrus and tropical fruits, coconuts and sugar cane. The various divisions of the Department of Agriculture deal with animal and plant industry, agricultural development, forestry and soil resources and aquatic and wildlife resources.

34. At a 2009 meeting in Hawaii, the Western Pacific Regional Fishery Management Council recommended that the United States Department of Defense and the National Marine Fisheries Service investigate and address the issue of the impact of the ongoing military build-up on local fishing communities and that a mitigation and compensation plan be developed to assist those affected, including in Guam. No follow-up action has been reported thus far.

VI. Social conditions

A. Labour

35. According to the Guam Bureau of Labor Statistics, the unemployment rate in Guam in September 2012 was 10.9 per cent, a decrease of 0.9 percentage points from the March 2012 figure. In September 2012, the total number of unemployed was 7,970, a decrease of 2,220 from the previous survey in June 2012.

B. Education

36. Guam has an extensive public and private education system. The public education system includes the University of Guam and Guam Community College. The Guam Department of Education is responsible for nearly 30,000 students in 41 schools. There are approximately 25 private schools in Guam, including 2 business colleges, 5 high schools and a number of elementary schools, most of which are affiliated with Roman Catholic and Protestant religious denominations.

37. The Territory receives millions of dollars in federal funding each year to support such programmes as special education, summer school, the school lunch programme and the after-school Department of Education Extended Day programme. In November 2012, the Superintendent of the Guam Department of Education was awarded $20.7 million in funding by the United States Department of Education to support the island's efforts to improve student achievement.

C. Health care

38. The estimated life expectancy of Guamanians is about 75 years for males and 81 years for females. The Guam Memorial Hospital Authority is the only civilian in-patient medical facility that serves the public sector. The Authority has a capacity of 172 acute-care beds and 30 long-term care beds. The United States Naval Hospital primarily serves the military sector. There are three community/public health centres, one located in the north, one in the south and one in central Guam. Guam has 271 doctors and 92 medical clinics.

39. According to the World Health Organization Country Cooperation Strategy for Guam 2013-2017, the prevalence of non-communicable diseases in Guam continues to rise. Between 2001 and 2005, 61 per cent of all deaths were attributed to non-communicable diseases (31 per cent from heart disease, 16 per cent from cancer, 8 per cent from cerebrovascular disease, 3 per cent from diabetes and 3 per cent from chronic obstructive pulmonary disease). In 2006, the percentage of deaths due to non-communicable diseases increased to 81 per cent. Guam experienced several infectious outbreaks in 2011. As part of the military build-up, a new military hospital is being built to replace the current one built in 1954, and construction is expected to be completed in 2014. The hospital will have 42 in-patient beds and 6 beds in the intensive care unit.

VII. Environment

40. The Guam Environmental Protection Agency comprises five components: the Administrative Services Division, the Environmental Monitoring and Analytical Services Division, the Environmental Planning and Review Division, the Air and Land Programs Division and the Water Programs Division.

41. Guam continues to experience environmental problems related to the United States occupation during the Second World War and the atomic testing conducted by the administering Power in the Marshall Islands in the 1950s. Speaking at the Caribbean regional seminar on the implementation of the Third International Decade for the Eradication of Colonialism, held in Kingstown in 2011, the representative of Guam pointed out that, on an island of 212 square miles, there were a total of 95 toxic sites. While there had been some progress towards clean-up by the Department of Defense, it was worrisome that 16 sites had long-term management status and 9 sites were undergoing feasibility studies and were under investigation to determine what future actions, if any, were required. Regarding the island's radiation exposure as a result of atomic bomb-related testing in the Marshall Islands in the 1950s, it was pointed out that efforts to address the presence of radiation in Guam had not been undertaken by the Department of Defense. While the Pacific Association for Radiation Survivors continued to advocate for the inclusion of Guam claimants as downwinders under the Radiation Exposure Compensation Act of Congress, the island's claimants had been recognized only within the compensation category of on-site participants, a classification for which only those connected with military service on the island qualified and not the entire exposed population.

42. As stated in the report of the Guam Comprehensive Economic Development Strategy, the Guam Environmental Protection Agency implements various programmes that monitor the status of the environment on a regular basis. United States Environmental Protection Agency regulations apply to Guam, but in some cases the Territory's own laws are more stringent than those of the United States. Guam is a relatively small and high-density island; hence its marine environment constitutes a key litmus test with respect to the overall environmental impact of human activity on the land. The quality of the marine waters has generally been found to be excellent across all indicators. At the confluence of the Pago River and its receiving marine waters, however, a high level of nitrate is in evidence, which is in violation of federal environmental standards. This has been attributed to nutrient loading by leachate from the island's Ordot landfill. Soil erosion, which is associated with construction activity or natural erosion, is another area of special concern in southern Guam, since sedimentation has resulted in the destruction of coral reefs in areas adjacent to the mouths of rivers.

43. Solid-waste landfills are an area of concern in Guam, given the limited land area. Problems are being magnified as the standard of living changes and increases in population and industrial activity bring more goods and commodities to the island. To reduce the volume of garbage entering the Ordot dump, a policy that banned such items as cardboard and organic waste was established. Through collaboration among community organizations, private businesses and the local government, some headway has been made in recycling solid waste, including through the creation by local businesses of the "i*recycle" programme. In addition to the issue of volume, there is that of potential contamination of the Territory's primary water supply, the northern aquifer. In 2010, the United States

Environmental Protection Agency issued a statement in response to the draft environmental impact statement of the Department of Defense, expressing concerns about how construction associated with the proposed military build-up may negatively affect the northern aquifer. Hazardous and toxic waste has a large potential for adversely affecting the Territory's environment. In recent years, this potential has increased significantly, as evidenced by the growth in the number of on-island hazardous waste generators and solid waste treatment, storage and disposal facilities.

44. Thirty-three per cent of the world's cyclones develop in the immediate area around Guam. In addition, according to the Global Assessment of Human-Induced Soil Degradation, the area of degraded soil in the Pacific is extensive. In Guam, major road building on steep slopes has caused erosion, and the resulting sedimentation has killed coral colonies on fringing reefs.

45. In July 2010, the Joint Guam Program Office published the final environmental impact statement on the implications of the build-up on Guam. Following the changes to the road map announced in April 2012, on 4 October the Office launched a supplemental environmental impact statement on the relocation of marines from Okinawa to Guam, to take account of the change in the number and composition of marines relocating. The assessment will include an evaluation of alternatives for the construction and operation of a live-fire training range complex, a main base and family housing, as well as a new assessment of impacts to the Territory's civil infrastructure, including its roadways.

46. Early in December 2012, the Department of the Navy announced that the public scoping assessment for the supplemental environmental impact statement had ended after a three-month period. The Joint Guam Program Office had held three public scoping meetings on Guam and met with more than 240 members of the public, including interest groups, representatives from the Guam legislature, some federal and local agencies and the Office of the Governor of Guam. The final document is expected to be released in 2014, and the record of decision, the final step in the supplemental environmental impact statement process, would be released only in 2015.

VIII. Relations with international organizations and partners

47. Guam has been an associate member of the Economic and Social Commission for Asia and the Pacific since 24 July 1981. The Territory is a member of the Secretariat of the Pacific Community, the Micronesian Chief Executives Summit, the Pacific Basin Development Council, the Pacific Islands Development Programme, the Pacific Asia Travel Association and the South Pacific Regional Environment Programme. It also participates in the Pacific Islands Applied Geoscience Commission and the Pacific Community Coastal Fisheries Programme. Guam has observer status in the Alliance of Small Island States. In 2011, Guam was granted observer status in the Pacific Islands Forum.

IX. Future status of the Territory

A. Position of the territorial Government

48. Developments regarding discussions on the future status of Guam are considered in section I above.

B. Position of the administering Power

49. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States. In his letter, the Assistant Secretary of State indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue, and not one that came within the purview of the Special Committee. He also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and no mandate to engage the United States in negotiations on their status. He further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to the economic, social and educational conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on United States Territories to the Special Committee as a demonstration of United States cooperation as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

50. At its 9th meeting, on 20 June 2012, the Special Committee heard a statement made by a petitioner from Guam, as reflected in the relevant summary record of the meeting (A/AC.109/2012/SR.9). Mr. Aguon, a petitioner representing the Guåhan Coalition for Peace and Justice, said that the situation of colonized peoples could be corrected only through the exercise of the right to self-determination. A colonized people was clearly entitled to the opportunity to throw off colonialism by means of a plebiscite that offered voters the full spectrum of possible political status choices. Attempts by some commentators to conflate the international principle of self-determination with interim arrangements for self-governance were dangerously misrepresenting the existing provisions of international law. Discussions of self-determination had traditionally addressed the issue of populations living under alien colonial subjugation, but, prior to the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, little had been said about the self-determination of indigenous peoples. In the case of Guam, where the colonized population also constituted the colony's indigenous people, the exercise of that people's right to

self-determination would imply the recovery of both independence and indigeneity. The issue of who had the right to vote in a future self-determination plebiscite in Guam had yet to be resolved. The designation of "native inhabitants" in Guam legislation, which had sparked controversy as a limitation on the electorate, was historical rather than race-based. The people who had been harmed by colonization within a specific time period, ending no later than 1946 — the vast majority of them Chamorro — would be entitled to redress for that historical wrong. Yet some commentators had dared to assert that the United States Constitution required a colour-blind composition of the electorate, whereas it was the United States Government's rule of Guam that would be assessed in the plebiscite. The exercise of self-determination had to be governed by international law, not by United States domestic law.

51. He went on to state that according to General Assembly resolution 2625 (XXV), a Non-Self-Governing Territory had, under the Charter, a status separate and distinct from the territory of the State administering it, which meant that the United States, as the administering Power, could not exploit its control over immigration in Guam by flooding the island with its own non-colonized expatriates and then claiming that every resident of Guam was entitled to vote in a decolonization plebiscite. A 2002 ruling by the Human Rights Committee had repudiated a similar attempt by France to influence a self-determination referendum to be held in New Caledonia. A retired United States Air Force officer had filed a lawsuit in 2011 in the hope of overturning the Guam legislation that restricted the electorate in any self-determination plebiscite to "native inhabitants" of Guam. The contention that the law amounted to racial discrimination underscored the failure of the administering Power to apply international law to resolve a problem that was clearly international in nature. He urged the Special Committee to collaborate with the Sixth Committee to develop and publish a position paper on the composition of the electorate for any self-determination plebiscite to be held in Guam and to transmit a copy of the paper to each remaining Non-Self-Governing Territory.

B. Special Political and Decolonization Committee (Fourth Committee)

52. At its 3rd meeting, on 9 October 2012, the Special Political and Decolonization Committee (Fourth Committee) of the General Assembly heard one petitioner representing the Guåhan Coalition for Peace and Justice, Ms. Tiara R. Na'puti, who said that the planned increase in the military presence on the island would further push Chamorros to the margins and reinforce the economic, social and financial stranglehold of the United States. The United States was responsible for advancing the decolonization of Guam and for developing a programme to educate the people about the three self-determination options available to them in the forthcoming plebiscite. The eligibility requirements for participation in the plebiscite were established under United Sates law by the 1950 Organic Act of Guam and the 1965 Voting Rights Act. The administering Power should not allow its own legal process to be subverted by mischievous lawsuits seeking to bar the qualified indigenous electorate from exercising its right to self-determination (see A/C.4/67/SR.3).

C. Action taken by the General Assembly

53. On 18 December 2012, the General Assembly adopted without a vote resolutions 67/132 A and B on the basis of the report of the Special Committee transmitted to the General Assembly (A/67/23) and its subsequent consideration by the Fourth Committee. Section VI of resolution 67/132 B concerns Guam. In the operative paragraphs of that section, the General Assembly:

1. *Welcomes* the convening of the Guam Commission on Decolonization for the Implementation and Exercise of Chamorro Self-Determination in 2011 and its work on a self-determination vote;

2. *Calls once again upon* the administering Power to take into consideration the expressed will of the Chamorro people as supported by Guam voters in the referendum of 1987 and as subsequently provided for in Guam law regarding Chamorro self-determination efforts, encourages the administering Power and the territorial Government to enter into negotiations on the matter, and stresses the need for continued close monitoring of the overall situation in the Territory;

3. *Requests* the administering Power, in cooperation with the territorial Government, to continue to transfer land to the original landowners of the Territory, to continue to recognize and to respect the political rights and the cultural and ethnic identity of the Chamorro people of Guam and to take all measures necessary to address the concerns of the territorial Government with regard to the question of immigration;

4. *Also requests* the administering Power to assist the Territory by facilitating public outreach efforts, including through the funding of the public education campaign, consistent with Article 73 *b* of the Charter, and in that regard calls upon the relevant United Nations organizations to provide assistance to the Territory, if requested, and welcomes the recent outreach work by the territorial Government, including the convening in 2011 of a Chamorro forum;

5. *Further requests* the administering Power to cooperate in establishing programmes for the sustainable development of the economic activities and enterprises of the Territory, noting the special role of the Chamorro people in the development of Guam.